succession, etc., conferred on them by the Act. So this Bill is absolutely necessary. One thing more the Hon. Minister has done; and that is for certain things which have been done in pursuance of that decision of the High Court are not to be unsettled by giving this amending Bill a retrospective effect. Those things are dealt with in clause 6 of the Bill, which says 'Any decree or order of a competent Court which became final before the commencement of this Act, any sale which was held in execution of a decree or an order of a competent Court and which became final before the commencement of this Act and any transfer or partition of property effected before the commencement of this Act are saved and unaffected by this Act. I welcome this measure and all Marumakkattayam people also welcome it.''

The motion was put and carried.

Clauses 2 to 6 were put one by one and carried.

Clause 1 and the Preamble were put and carried.

THE HON. DR. P. SUBBARAYAN :—'' Sir, I move, as I am in duty bound as Law Member of this Government, though it is purely conventional, the Legislative Council thinks (though the Bill has been moved by the Hon. Mr. K. Madhava Menon) I should move that the Bill be passed into law. So I do it as a formal duty. I move that the Madras Marumakkattayam (Amendment) Bill, 1947 (L.A. Bill No. 39 of 1947) as passed by the Legislative Assembly be passed into law.''

The motion was put and carried.

(6) THE MADRAS CITY POLICE (AMENDMENT) BILL, 1947 (L.A. BILL NO. 40 OF 1947).

THE HON. DR. P. SUBBARAYAN :—'' Sir, I move—

' *that the Madras City Police (Amendment) Bill,*[a] 1947 (L.A. *Bill No.* 40 *of* 1947) *as passed by the Legislative Assembly be taken into consideration at once.*'

'' Sir, this is a very simple measure that has been brought forward; because the Corporation of Madras by a resolution brought to the notice of Government that heavy loads are being drawn by human beings and this sort of practice should be put an end to. Government felt as this practice has been long in vogue they should only restrict the load and not entirely prevent the practice. So we have brought forward this measure and it provides a certain amount of weight that could be dragged; children under a certain age are not to be allowed to drag the load but only adults should be allowed to do so. The point raised by Dr. V. K. John that women should be prevented altogether from dragging loads is a correct one, but Government wish now to see how this amendment works out in practice. Sir, I move the Bill be taken into consideration at once.''

[a] Printed as Appendix VI on page 130 infra.

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The motion was put and carried.

Clause 2 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. DR. P. SUBBARAYAN :—" Sir, I move—

' *that the Madras City Police (Amendment) Bill,* 1947 (*L.A. Bill No.* 40 *of* 1947) *as passed by the Legislative Assembly be passed into law*'."

The motion was put and carried.

(7) THE MADRAS HINDU WOMEN'S RIGHTS TO PROPERTY (EXTENSION TO AGRICULTURAL LAND) BILL, 1947 (L.A. BILL NO. 4 OF 1947).

THE HON. DR. P. SUBBARAYAN :—" Sir, I move—

' *that the Madras Hindu Women's Rights to Property (Extension to Agricultural Land) Bill,*[a] 1947 (*L.A. Bill No.* 4 *of* 1947) *as passed by the Legislative Assembly be taken into consideration at once.*'

"Sir, this measure has become necessary because Dr. Deshmukh's Bill, which was passed as far back as 1937, was declared to be *ultra vires* of the Central Legislative Assembly so far as agricultural land was concerned. Therefore during the time the Advisers were in power, it was put to them, but they felt that it ought to be passed by the popular Legislature than be undertaken by Governor's legislation, and hence this measure. There has been some controversy in the Lower House which I do not want to burk here. But I would like to point out that ten years has elapsed since the passing of Deshmukh's Bill and transactions have taken place under it. But as I said before, though I am a social reformer, in matters of legislation I am inclined to be a conservative, and I feel that you should not rip open things that have happened becuse of decisions of courts. We should not disturb property which have changed hands because of the decision of the Federal Court. But at the same time there is a certain amount of retrospective effect given. For, transactions which took place after the Bill was published in 1946 have been declared invalid, because then, it may be said that people have had sufficient notice and they knew legislation of this kind would come in. So the select committee adopted an amendment to that effect and it was moved in the Lower House and it has been accepted. Therefore, Sir, I move the Bill be taken into consideration at once. But before I resume my seat I wish to say one thing more. How careful the Government of India have been in the passage of this measure I shall show by reading one passage to hon. Members of this House :

' *The rule of law is that unless retrospective effect is given in the body of the Bill itself there is no question of retrospective effect.*'

" Evidently the Government of India, during the discussion of Dr. Deshmukh's Bill, felt that the wording of the Bill might have

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[a]Printed as Appendix VII on page 131 infra.